

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLN.NO.1310 OF 2007

Mohammad Yakub Shaikh
(Lanjekar) ..Applicant
Vs.
State of Maharashtra ..Respondents

...
Mr.S.A.Ingawale Advocate for Applicant
Mr.V.B.Konde-Deshmukh A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : APRIL 20, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No.I-288 of 2006 of Shantinagar Police Station, Bhiwandi, Dist.Thane. The said case is mainly under Section 302 of IPC.

3. It is the case of prosecution that a tap was being repaired in front of the house of the applicant and his son. At that time, the deceased also came there. There was verbal quarrel between the applicant, his son and the deceased. Thereafter, the applicant and his son started assaulting the deceased with kick blows and fist

blows.

4. Mr.Ingawale, the learned advocate for the applicant has submitted that the prosecution case would not fall under Section 302 of IPC but it would fall under Section 304-II of IPC. Mr.Ingawale has invited attention of the court to the post mortem notes wherein only one external injury i.e. abrasion has been mentioned. The cause of death is shown as due to rupture of the liver. He further submitted that the applicant is over 60 years of age. Looking to the above facts and especially the age of the applicant, I am inclined to grant bail.

5. The applicant to be released on bail in the sum of Rs.20,000/- (Rs.Twenty thousand only) with one or two sureties to make up the said amount in C.R.No.I-288 of 2006 of Shantinagar Police Station, Bhiwandi. The applicant shall report to the concerned Police Station, once in a week till the conclusion of trial.

6. Application is disposed of.

[Smt. V.K.Tahilramani, J.]